

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

NOVEMBER 6, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dyer called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

David Dyer, D.C., Chairman
Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Frischman, D.C.

Board Members Absent:

David Davis, D.C.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

KLAES-LANHAM/BERNZOTT

Motion carried 4-0-0

Dr. Frischman was not present for this vote

III. ADOPTION OF THE MINUTES FROM THE SEPTEMBER 11, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the September 11, 2008 meeting of the Board.

KLAES-LANHAM/COCHRAN

Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

1. **Horng Yuan Shao, D.C., License No. 08001807A**
Administrative Cause No. 2007 IBCE 0002

Dr. Shao appeared before the Board, as requested, regarding his probationary status. He

stated he is still working at Spa Chakra locate at the Conrad Hotel in Indianapolis and working at his home. He has a woman named Toni doing his insurance billing for him; he just sends her the codes. He explained she is employed at a different chiropractic clinic. Dr. Shao told the Board his wife is expecting a baby this spring and he is trying to arrange things with his federal probation so that he can move to Dallas, Texas. Dr. Shao's next appearance is scheduled for January 8, 2009.

2. Wei Chen Yang, D.C., License No. 08001810A
Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board, as requested, regarding her probationary status. The Board noted she is in compliance with her probation orders. She stated things are going well and she is doing acupuncture, chiropractic, and physiotherapy on a cash basis. Dr. Yang's next appearance is scheduled for March 5, 2009.

B. RENEWAL

1. Raymond Uhlmansiek, D.C., License No. 08002255A

Dr. Uhlmansiek appeared before the Board, as requested, regarding his application for renewal of his Indiana chiropractic license. His Indiana chiropractic license expired July 1, 2006 and he submitted a renewal application, fee, and copies of continuing education certificates. Dr. Uhlmansiek answered "no" to all questions on the renewal application but enclosed a letter to the Board explaining that he has been working as an associate in Louisville, Kentucky for Dynamic Chiropractic & Rehab. The Kentucky Board of Physical Therapy filed a lawsuit against the owners of the chiropractic offices where Dr. Uhlmansiek practices because they advertised physical therapy services but did not employ a physical therapist. Dr. Uhlmansiek stated the business has taken down signs and ceased advertising physical therapy services. He stated that a Final Order has been issued which required him to pay a fine of \$250.00 and not to advertise physical therapy or any abbreviation indicating physical therapy if a physical therapist is not on the premises to provide services.

Board Action: A motion was made and seconded to renew Dr. Uhlmansiek's chiropractic license.

BERNZOTT/COCHRAN
Motion carried 5-0-0

C. APPLICATION

1. Kevin L. Bear, D.C.

Dr. Bear appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Bear has successfully completed the law examination. Dr. Bear is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Bear does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Bear a chiropractic license.

FRISCHMAN/COCHRAN
Motion carried 5-0-0

2. James Walter Biser, D.C.

Dr. Biser appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Biser successfully completed the law examination. Dr. Biser is a 2005 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Biser holds a license in Texas, Ohio, North Carolina, Missouri, and Kansas.

Board Action: A motion was made and seconded to grant Dr. Biser a chiropractic license.

FRISCHMAN/COCHRAN
Motion carried 5-0-0

3. Andrew Joseph Bourne, D.C.

Dr. Bourne appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Bourne has successfully completed the law examination. Dr. Bourne is a 2000 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Bourne holds a license in Kentucky.

Board Action: A motion was made and seconded to grant Dr. Bourne a chiropractic license.

FRISCHMAN/COCHRAN
Motion carried 5-0-0

4. Nicholas Adam Brockman, D.C.

Dr. Brockman appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Brockman has successfully completed the law examination. Dr. Brockman is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Brockman holds a Kentucky license.

Board Action: A motion was made and seconded to grant Dr. Brockman a chiropractic license.

FRISCHMAN/COCHRAN
Motion carried 5-0-0

5. Dennis E. Clause, D.C.

Dr. Clause appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Clause has successfully completed the law examination. Dr. Clause is a 2005 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV and Physiotherapy. Dr. Clause holds a license in Missouri.

Board Action: A motion was made and seconded to grant Dr. Clause a chiropractic license.

FRISCHMAN/COCHRAN
Motion carried 5-0-0

6. Trevor Brandon Gilbert D.C.

Dr. Gilbert appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Gilbert has successfully completed the law examination. Dr. Gilbert is a 2005 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Gilbert holds a license in Vermont.

Board Action: A motion was made and seconded to grant Dr. Gilbert a chiropractic license.

COCHRAN/FRISCHMAN
Motion carried 5-0-0

7. Patrick Robert Gottfried, D.C.

Dr. Gottfried did not appear for the law exam and personal appearance.

8. Jay Michael Littlefield, II, D.C.

Dr. Littlefield appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Littlefield has successfully completed the law examination. Dr. Littlefield is a 2008 graduate of Palmer College of Chiropractic Florida Campus and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Littlefield does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Littlefield a chiropractic license.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

9. Johnnie Lewis Morgan, Jr., D.C.

Dr. Morgan appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Morgan has successfully completed the law examination. Dr. Morgan is a 2007 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Morgan holds a license in Georgia and Alabama. On his application Dr. Morgan answered "yes" to question #2 asking, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit you hold or have held?" Dr. Morgan told the Board on January 29, 2008 the Alabama Chiropractic Board suspended his license on an emergency basis because he was providing chiropractic services in a clinic without having a facility permit. Dr. Morgan stated he was working for Chiropractic Strategies Group and they told him when to begin practicing and they should have taken care of getting the facility permit.

Board Action: A motion was made and seconded to grant Dr. Morgan a chiropractic license.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

10. Nancy Theresa Nguyen-Sherman, D.C.

Dr. Nguyen-Sherman appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Nguyen-Sherman has successfully completed the law examination. Dr. Nguyen-Sherman is a 2007 graduate of Western States Chiropractic College and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Nguyen-Sherman does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Nguyen-Sherman a chiropractic license.

KLAES-LANHAM/COCHRAN
Motion carried 5-0-0

11. Michael Olson, D.C.

Dr. Olson appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Olson has successfully completed the law examination. Dr. Olson is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Olson does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Olson a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

12. Daniel M. Salim, D.C.

Dr. Salim did not appear for the law exam or personal appearance.

13. Anthony C. Snellenberger, D.C.

Dr. Snellenberger appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Snellenberger has successfully completed the law examination. Dr. Snellenberger is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Snellenberger does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Snellenberger a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

14. David Jonathan Evans, D.C.

Dr. Evans appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Evans has successfully completed the law examination. Dr. Evans is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Evans does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Evans a chiropractic license.

COCHRAN/FRISCHMAN

Motion carried 5-0-0

15. Lowell Thomas Faison, D.C.

Dr. Faison appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Faison has successfully completed the law examination. Dr. Faison is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Faison holds a license in Missouri.

Board Action: A motion was made and seconded to grant Dr. Faison a chiropractic license.

COCHRAN/FRISCHMAN

Motion carried 5-0-0

16. Jessica Marie Kuryla, D.C.

Dr. Kuryla appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Kuryla has successfully completed the law examination. Dr. Kuryla is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Kuryla holds a license in Missouri.

Board Action: A motion was made and seconded to grant Dr. Kuryla a chiropractic license.

KLAES-LANHAM/BERNZOTT

Motion carried 5-0-0

17. Nicholas Joseph Sullivan, D.C.

Dr. Sullivan appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Sullivan has successfully completed the law examination. Dr. Sullivan is a 2008 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Sullivan does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Sullivan a chiropractic license.

BERNZOTT/KLAES-LANHAM

Motion carried 5-0-0

V. ADMINISTRATIVE HEARINGS

There were no administrative hearings scheduled.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business.

IX. DISCUSSION

A. Kate Schott, D.C.

Re: Gynecological Procedures

The Board reviewed an email from Dr. Schott whereby she was asking for the Board's permission and support to do a gynecological procedure called "cervical painting". She described cervical painting as an alternative procedure with no side effects for treatment of cervical cancer. The Board asked Ms. Vaught to respond to Dr. Schott that the Board will not grant permission nor lend support to her performing this procedure and refer her to the Statutes and Rules which regulate the chiropractic profession noting that IC 25-10-1-1(G) prohibits the "treatment or attempt to treat infectious diseases, endocrine disorders, or atypical or abnormal histology."

B. Nicholas Adam Brockman, D.C.

The Board reviewed a letter from Dr. Brockman asking for the Board's input on a mobile chiropractic service he would like to offer. The Board asked Ms. Vaught to respond to him stating that there is nothing in the statutes and administrative rules that addresses mobile chiropractic units, therefore it is not regulated nor prohibited at this time.

C. Norman D. Ross, D.C.

The Board reviewed a letter from Dr. Ross asking why Indiana requires physical therapy. The board asked Ms. Vaught to respond that law requires all applicants for an Indiana chiropractic license to take the NBCE physiotherapy examination.

D. Continuing Education Audit

Ms. Vaught showed the Board the results of a continuing education audit that was conducted for the 7/1/2006 – 7/1/2008 biennium. Of the twenty-three (23) licensees who were chosen there were four (4) who were noncompliant.

X. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review

D. Professional Corporation Applications

There were no Professional Corporation applications to review

XI. PROBATIONARY REPORT

There were no probationary reports given.

XII. CONTINUING EDUCATION

There were no continuing education applications for review.

XIII. REPORTS

A. Indiana State Chiropractic Association

There was no report given by the ISCA.

B. International Chiropractic Association of Indiana

There was no report given by ICAI.

C. Consumer Complaints

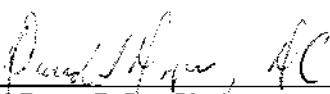
There was no report given on consumer complaints.

D. Continuing Education

There was no report given on continuing education.

XIII. ADJOURNMENT


There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:30 a.m.



David Dyer, D.C. - Chairman

01-08-09

Date



Charles Cochran, D.C. - Vice Chairman

01-08-09

Date